

### **REMARKS/ARGUMENTS**

The action by the Examiner of this application, together with the cited references, have been given careful consideration. It is respectfully requested that the Examiner reconsider the present application in view of the following comments and the attached evidence filed in connection with a Declaration under 37 C.F.R. § 1.131.

Claims 1-29, 32, 33 and 42-47 are presently withdrawn from consideration in view of the Restriction Requirement issued by the Examiner. Claims 30-31 and 34-41 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US2003/0122243 to Lee et al. (published July 3, 2003). The effective date of Lee et al. (i.e., the date in which the Lee et al. publication is available as prior art) is January 22, 2002 (i.e., the filing date of the associated U.S. Patent Application No. 10/055,499). The applicant submits herewith a Declaration under 37 C.F.R. 1.131, along with supporting evidence, for swearing in back of Lee et al. In particular, the enclosed Declaration under 37 C.F.R. 1.131 and supporting evidence establishes invention of the subject matter of the applicant's rejected claims prior to the effective date (i.e., January 22, 2002) of Lee et al., on which the 35 U.S.C. 103(a) rejection is based.

It is respectfully submitted that the showing of facts in the Declaration under 37 C.F.R. 1.131 establish reduction to practice prior to the effective date of the Lee et al. reference, or conception of the invention prior to the effective date of the Lee et al. reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application.

It is noted that Taiwan joined the World Trade Organization (WTO) as a member country on January 1, 2002, which is prior to the effective date of Lee et al. (i.e., January 22, 2002). As indicated in MPEP § 715, if a country joins the WTO after January 1, 1996, the effective date for proving inventive activity in that country for the purpose of 37 C.F.R. 1.131 is the date the country becomes a member of the WTO. As indicated above, Taiwan became a member of the WTO on January 1, 2002, which is prior to the effective date of the Lee et al. reference (i.e., January 22, 2002).

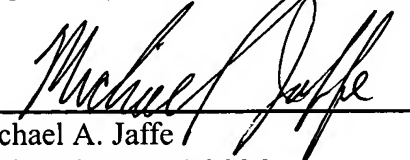
It is respectfully submitted that in view of the applicants establishment of a date of invention prior to the effective date of Lee et al. (i.e., January 22, 2002), the Lee et al. reference is not prior art to the claimed invention. Accordingly, it is respectfully requested the Examiner now withdraw the 35 U.S.C. 103(a) rejection based upon the Lee et al. reference.

In view of the foregoing, it is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner has any questions concerning the evidence supporting the Declaration under 37 C.F.R. 1.131, the Examiner is invited to contact the undersigned.

It should be noted that an **Information Disclosure Statement (IDS)** accompanies this Response. The Examiner is respectfully requested to consider the references cited therein.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. HK9225US.

Respectfully submitted,

  
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Michael A. Jaffe  
Registration No. 36,326

Date: November 9, 2006

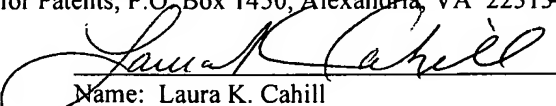
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: November 9, 2006

  
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